IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 13025 of 2005

Between:

Sri Geeta Vidyalayam, rep.by its Correspondent K.Vilas S/o.Sri Veera Reddy, Correspondent, R/o.Ram Mandir Premises,
Tirupally Street, Adilabad Town, District Adilabad.

..... PETITIONER

AND

1 The Deputy Commissioner, Endowment Department, Warangal Zone, Warangal Dist.
2 The Regional Joint Commissioner, Endowment Department, at Hyderabad.
3 The Assistant Commissioner, Edowment Department, Behind S.B.H.at Adilabad.
4 The Executive officer/Manager, Sri Ram Mandir, Behind S.B.H., Adilabad Dist.
5 Narendra Tikka, S/o.Rajeshwar Rao,
Brahminwada, Adilabad District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ order or direction or issue an appropriate writ, more particularly one in the nature of writ of Mandamus declaring the order passed by the Respondent No.1 herein vide No.I.A.NO.1/2005 in O.A.No.64/2002, dated: 6-6-2005 is illegal, arbitrary, violative of Article 14, 19 (g) of the Constitution of India, further directing the official respondents to permit the petitioner to run the school i.e, Sri Geetha Vidyalayam at Ram Mandir Premises, Tirupally, Adilabad town, district Adilabad, and to pass such other order or orders as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.S.CHANDRASEKHAR

Counsel for the Respondent Nos.1 to 3: GP FOR ENDOWMENTS

Counsel for respondent No.4 : Mr.K.Ravi

Counsel for respondent No.5 : Mr.M.Vuidya Sagar

The Court made the following :

ORAL ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Endowments, Sri K.Ravi, learned counsel appearing for the 4th respondent and Sri M.Vidya Sagar, learned counsel appearing for the 5th respondent and with their consent the writ petition is being disposed of at the stage of admission.

The order passed by the 1st respondent – Deputy Commissioner, Endowment Department, Warangal in I.A.No.1 of 2005 in O.A.No.64 of 2002 dated 6-6-2005 whereby the Deputy Commissioner, pending disposal of the O.A, restrained the petitioner herein and his agents, administrators, nominees etc., from entering into the premises of Geeta Vidyalam and from interfering with the subject temple property with a specific direction not to run the school till the final disposal of the proceedings in O.A.No.64 of 2002, which was adjourned to 2-7-2005, is challenged in this writ petition.

It is fairly conceded before this Court by the counsel appearing on behalf of the respondents that Section 83 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987

does not empower the Deputy Commissioner to pass an interim order pending disposal of the main application, except under sub-section (6) thereof. Section 83(6) empowers the Deputy Commissioner to direct deposit of such amounts as may be specified by him in consideration of use and occupation of the properties in question by the encoracher. The order in the writ petition is not an order passed under Section 83(6) of the Act.

Inasmuch as the 1st respondent does not have power under the Act to pass the order impugned in the writ petition, the said order of the 1st respondent is set aside. The 1st respondent is directed to dispose of the O.A., as expeditiously as possible, not later than two months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly.

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21-6-2005

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Note:

C.C. in two days

B/o

To:

1 The Deputy Commissioner, Endowment Department, Warangal Zone, Warangal Dist.

2 The Regional Joint Commissioner, Endowment Department, at Hyderabad.

3 The Assistant Commissioner, Edowment Department, Behind S.B.H.at Adilabad.

4 The Executive officer/Manager, Sri Ram Mandir, Behind S.B.H., Adilabad Dist.

5. Two C.Cs. to G.P. for Endowments, High Court Buildings, Hyderabad (OUT)

6. Two C.D. copies